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March 25, 2016

VIA ECF

Office of the Clerk
United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U. S. Courthouse - 100 East Fifth Street
Cincinnati, Ohio 45202-3988

Re: Caterpillar Logistics Inc. v. NLRB, Nos. 15-1433, 15-1611

Dear Clerk:

We are counsel to Petitioner/Cross-Respondent in the above-entitled cases, and we write pursuant to the parties' obligation to notify the Court of developments on pending matters. *Cf. Arizonans for Official English v. Arizona*, 520 U.S. 43, 68, n.23 (1997) ("It is the duty of counsel to bring to the federal tribunal's attention, 'without delay,' facts that may raise a question of mootness.") (internal citation omitted)

One issue pending before this Court was the legitimacy of the Board's direction of a second election in this matter, discussed at pages 45-48 of Caterpillar's opening brief and pages 27-30 of Caterpillar's reply brief.

On March 2, 2016, NLRB Region 9 conducted a second election at Caterpillar's Clayton, Ohio facility, pursuant to the Board's decision under review. At that election, employees voted 295-169 against representation by the UAW. The Union did not file objections or challenges following the March 2 election, and NLRB Region 9 certified the election results on March 10, 2016. *See* Exhibit A. This Court heard oral argument in this matter the day before the election results were certified and, therefore, we were unable to notify the Court of the development at that time.

Please let us know if the Court needs further information.

Very truly yours,

/s/ Joseph J. Torres

Joseph J. Torres

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

CATERPILLAR LOGISTICS INC.

Employer

and

Case 09-RC-111362

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE &
AGRICULTURAL IMPLEMENT WORKERS OF
AMERICA (UAW)

Petitioner

TYPE OF ELECTION: STIPULATED

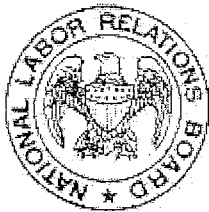
CERTIFICATION OF RESULTS OF ELECTION

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has not been selected. No timely objections have been filed.

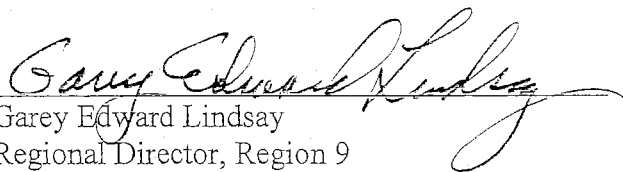
As authorized by the National Labor Relations Board,

It is certified that a majority of the valid ballots has not been cast for any labor organization and that no labor organization is the exclusive representative of the employees in the bargaining unit described below.

UNIT: All full-time warehouse associates, warehouse associate team leaders and quality technicians employed at the Employer's facility located at 6611 Hoke Road, Clayton, Ohio, but excluding all management, clerical support personnel, all other employees and all professional employees, guards and supervisors as defined in the Act.



March 10, 2016


Gary Edward Lindsay
Regional Director, Region 9
National Labor Relations Board

